

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STANLEY W. MUNDY,

Plaintiff,

v.

SACRAMENTO COUNTY PUBLIC
DEFENDERS OFFICE, et al.,

Defendants.

No. 2:21-cv-00549 JAM DB P

ORDER


Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On November 29, 2021, plaintiff filed a notice of voluntary dismissal of this action. (ECF No. 12.) Plaintiff states that he seeks to “withdraw...civil complaint without prejudice.” (ECF No. 12 at 1.)

Under Rule 41(a)(1) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action without a court order if they file a notice of dismissal prior to an opposing party serving an answer or motion for summary judgement. Unless the notice provided by the plaintiff states otherwise or plaintiff has previously dismissed a state or federal action based on this claim, such a dismissal would be without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

In the present case, none of the defendants have filed an answer or motion for summary judgement. Thus, plaintiff may voluntarily dismiss this action on his own request without a court order. Plaintiff has provided sufficient notice for dismissal under Rule 41(a)(1).

1 Accordingly, this case has been dismissed without prejudice by request of the plaintiff and
2 the Clerk of the Court shall close this case.¹

3 DATED: December 7, 2021

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5 DEBORAH BARNES
6 UNITED STATES MAGISTRATE JUDGE
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27 ¹ In permitting plaintiff to dismiss this action, the court makes no findings as to the timeliness of
28 plaintiff's claims. The court also does not make any finding as to whether plaintiff's claims will
be timely if brought in a subsequent action.